

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Richard BUCHBERGER et al. :
Serial No. NEW : **Attn: APPLICATION BRANCH**
Filed February 12, 2004 : Attorney Docket No. 2004-0194A
GEM FORMATION

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No.

- 1a. ☒ This Information Disclosure Statement is submitted:
- within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**
- before the mailing date of the first Office Action on the merits,
- and thus no certification and/or fee is required.**
- 1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

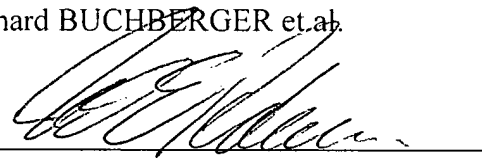
a. ☐ a full or partial English language translation submitted herewith,

- b. ☒ a foreign patent office search report (in the English language) submitted herewith,
- c. ☒ the concise explanation contained in the specification of the present application at page 1,
- d. ☐ the concise explanation set forth in the attached English language abstract,
- e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Richard BUCHBERGER et al.

By



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FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: February 12, 2004

ATTY DOCKET NO.
2004-0194ASERIAL NO.
NEWAPPLICANT
Richard BUCHBERGER et al.FILING DATE
February 12, 2004

GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ	20215384U1	1/2003	DE			
	AK	10046239A1	4/2002	DE			
	AL	1013476A1	6/2000	EP			
	AM						
	AN						

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	
	AP	
	AQ	

EXAMINER

DATE CONSIDERED

AUSTRIAN PATENT OFFICE
Search Report to GM 140/2003

Classification of subject matter acc. to IPC ⁷ : A 44 C 17/02, A 44 C 17/04, A 44 C 27/00
Search examination matter (classification): A 44 C 17/00, A 44 C 27/00
Consulted Online-Data Bank: WPI, EPODOC
This search report was issued according to the claims which were filed on 2 March 2003 . The claims which were published in the utility document could have been changed during the proceeding (§ 19, Abs. 4 GMB) so that the statements in the search report, such as reference to certain claims, indications of categories (X, Y, A), may not necessarily be the case anymore. The version of claims, which formed the basis of the search report, can be insighted at the Austrian Patent Office during office hours.

Category	Characterization of publication (country code, publ.no. document type (applicant), publication date, text passage or figure, (as far as required))	Relevant to claim
X	DE 20 215 384 U1 (Wetter-Halmschlager), 23 January 2003 (23.01.2003) Fig. 1, Claims 1, 6, 7	1-4
Y	Fig. 1, Claims 1, 6, 7	5, 6
Y	DE 100 46 239 A1 (Rakoczy Print & Design OEG), 4 April 2002 (04.04.2002) [0015], [0019], [0032]	5, 6
A	EP 1 013 476 A1 (Swarovski), 28 June 2000 (28.06.2000) Fig. 1, Claim 1	7, 8

Date of completion of the Search: 29 August 2003	Examiner: Dipl. Ing. STEINZ-KRISMANIC
*) Please pay attention to the notices on the commentary page.	
Continuation see following page	